

1984 WL 249958 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 13, 1984

*1 Ms. Helen T. Zeigler
Special Assistant for Legal Affairs
Office of the Governor
P. O. Box 11450
Columbia, SC 29211

Dear Helen:

You have inquired whether the formal transfer of licensing authority relating to Community Residential Care Facilities should be effected ninety (90) days from the date the 1984-85 General Appropriations Act is approved by the Governor, as provided in Section 19(F) of the Act, in light of Section 19(H), which makes the effective date of Section 19, April 15, 1985.

As noted in your letter, Section 19 of the 1984-85 General Appropriations Act makes certain additions and deletions to Titles 43 and 44 of the South Carolina Code regarding Community Residential Care Facilities. The effective date of Section 19 is set forth in subdivision H as being April 15, 1985. In subdivision F, the departments which Section 19 requires to be transferred are required to 'coordinate the transfer of resources and functions in a manner to effect the formal transfer of licensing authority ninety (90) days from the date this act is approved by the Governor'. In the first paragraph of subdivision E of Section 19, the Budget and Control Board is directed to transfer from the departments relinquishing authority over Community Residential Care Facilities to the South Carolina Department of Health and Environmental Control the amounts and positions authorized and appropriated by the 1984-85 General Appropriations Act for licensing and regulating the facilities included within Section 19. In the second paragraph of subdivision E of Section 19, it is required that all records, property and positions related to licensing and regulation of Community Residential Care Facilities, etc., must be transferred on the effective date of this section (referring to Section 19).

The specific provisions of paragraph 1 of Section 19(E) and Section 19(F) apparently are at odds with Section 19(H). Under general principles of statutory construction, provisions of a specific nature are not considered repealed by general provisions unless there is a direct reference to the repeal of this specific provision or the intent of the legislature to repeal the provision is implicit. Cf. [Rhodes vs. Smith](#), 273 S.C. 13, 254 S.E.2d 49. There is no explicit or implicit repeal in Section 19 of the specific provisions contained in Section 19(E) and (F). Under general principles of statutory construction, provisions that are in apparent conflict must be construed so that all parts are harmonious with each other and are consistent with the general scope and object of the Section. [Purdy vs. Strother](#), 184 S.C. 210, 192 S.E. 159. It is the opinion of this Office that these provisions can be harmoniously construed by reading the phrase 'ninety (90) days from the date this act is approved by the Governor' as controlling the transfer of amounts and positions from the Budget and Control Board authorized in subdivision E and the coordination of the transfer of resources and functions in a manner to effect the formal transfer of the licensing authority as set forth in subdivision F. Otherwise, the general provision of Section 19(H) as to the effective date of the act being April 15, 1985, is controlling. This interpretation also gives meaning to paragraph (2) of subdivision E as a definite time parameter for the completion of the overall transfer.

*2 In conclusion then, it is our opinion that the departments required to be transferred by Section 19 must coordinate the transfer in a manner to effect the formal transfer of licensing authority ninety (90) days from the date the General Appropriations Act was approved by the Governor.

Sincerely,

B. J. Willoughby
Assistant Attorney General

1984 WL 249958 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.